

Jarrod A. Michaelis
Plaintiff
vs.
Commonwealth of Massachusetts Attorney General, and the
Department of Corrections
Defendant.

FILED
IN CLERKS OFFICE
SEP 29 AM 10:51
U.S. DISTRICT COURT
DISTRICT OF MASS.

①

September 7, 2020

Complaint

① I Jarrod A. Michaelis D.O.B. 1-12-77 am filing this complaint in regards to the civil suit I am filing against the Department of Corrections and the Commonwealth of Massachusetts. This complaint is directed towards the lack of medical treatment I'm receiving at Shirley Medium prison. A similar lawsuit was already filed on December 19, 2019 by Attorney Robert Fredrickson III, on behalf of three inmates named Bret Coppola, Michael Feinstein, and Joseph Scalafani. Against the Department of Corrections, case # 1:19-cv-12550. This civil suit was granted, these inmates were then put on the Medically Assisted Treatment (M.A.T.) program immediately.

Parties

② Jarrod A. Michaelis a prisoner at MCI Shirley Med. P.O. Box 1218, Shirley, MA. 01464-1218

③ The Commonwealth of Massachusetts is a sovereign state of the United States.

(2)

④ The Department of Corrections, Attorney General,
McCormack Building, One Ashburton Place, Boston, MA
02108.

Facts

⑤ I have already exhausted all other options to resolve this matter before deciding to take this into court by filing 3 grievances, appealing the decisions, went to Staff access hour to speak with administration, filled out between 15-20 sick slips regarding this matter, and now I am taking this option in court. I applied for the (M.A.T.) program here at MCI Shirley Medium when it was first available to us in the prison. I did all the appropriate steps to start by filling out questionnaires, signing all the waivers and documents necessary to begin treatment. I have been cleared by Mental Health, the provider cleared me, and then right as I was supposed to start I was told I needed to be parole positive or 120 days to my release. This statement is definitely not true, there is many inmates that are on this program that are not parole positive, and are not 120 days to their release. The (D.O.C.) is picking and choosing who they want to help with this program, the courts can subpoena the records as proof and I feel as the (D.O.C.) doesn't think that my life matters enough, It's just not fair.

(3)

⑥ I have opiate use disorder (O.U.D.) which is recognized by the state of Massachusetts as a Mental Health disorder. Opiate overdoses is a nationwide epidemic throughout prisons nationwide, and needs to be taken seriously and treated as any other Mental Health disorder.

The (D.O.C.) does not wait until 120 days or positive parole to treat (P.T.S.D., Depression, Anxiety or Schizophrenia) or all other diagnoses in Mental Health, so why would this disorder be any different?

I have been addicted to opiates since the age of twenty years old. I have been on Methadone three different times. Twice on the clinic at Providence Hospital in Holyoke, MA 1st time was 2001-2002 then the 2nd time was 2009-2010. The third time I was on the Mill St. methadone clinic in Springfield, MA. 2009-2009. All three times I was forced to kick the methadone in Ludlow Hamden County Jail. Twice I was thrown in the hole on suicide watch with no clothing at all for up to 5 days. That is a form of torture in itself.

Prior to this incarceration I was on the suboxone clinic at Clean Slate in Springfield, MA. I was on 16 mg. a day. I had moved from a soberhouse to my own apartment in Chicopee and I went to pick up my prescription they told me my Mass Health had been cancelled because I failed to provide them with a new address. So I could not afford the suboxone at full cost in turn

(4)

I resorted back to my old way of thinking. I was finally able to hold a job that I liked because I was on suboxone, so I know that it works for me. That is why I am doing this because I just want my quality of life to improve and the (M.A.T.) program is there for that reason so why shouldn't it be available to me? I am scared of what will happen if I don't get on it and I am forced to self-medicate. I just want to take advantage of the resources that are available to me. I had a positive prescription prior to this incarceration.

The (D.O.C.) is equip to treat (O.U.D.) with three medications, ① Vivitrol shot ② Buprenorphine or suboxone and ③ Methadone. These treatments are usually lengthy and most of the time life long, to force the ending of said treatment will cause excruciating withdrawal symptoms.

These symptoms could have life threatening complications, as well as opiate relapse and possible death from overdose. Inmates/addicts refuse to go through these withdrawal symptoms that include but are not limited to - restless legs, insomnia, cold sweats, body and muscle aches, nausea, not sleeping for weeks sometimes months, diarrhea, are just some of the many painful symptoms. So without proper treatment Inmates/Addicts are forced to self medicate off the Black Market by buying suboxone to avoid relapsing and possibly overdosing and dying. But the (D.O.C) punishes these inmates/addicts when failing a drug screen by putting them in segregation or the hole. Financial

(5)

retaliation by freezing the inmates/addicts canteen accounts for outrageous amounts of money and makes it in some cases impossible for the inmate to buy the necessities like bars of soap, shampoo, toothpaste and toothbrush, disciplinary actions as in loss of gym, yard or recreation, loss of phone calls, loss of visits and many other sanctions, all for testing positive for a medication that they offer for life saving measures.

⑧ On top of the disciplinary actions, taking black market Suboxone out of the saliva or rectum of another person has many serious health hazards and risks as well. These inmate/addicts could contract HIV, Hep-C, Herpes and many other diseases that can be transmitted by this method.

In regards to the law suit already filed and grant (case # 1:19-cv-12550) there was many issues sighted as in, civil rights violations challenging the life threatening and discriminatory denial of adequate medical

care. The (D.O.C.) is legally obligated to meet medical needs to those in their custody. (O.U.D.) is a deadly disease that affects millions of Americans, and violates the 8th Amendment of the U.S. Constitution.

(cruel and unusual punishment) Also the ADA American Disease Act, and places us inmates/addicts in immediate danger, much like any other deadly disease this needs to be treated immediately.

(6)

Requested Relief

I am asking the courts to request emergency and permanent relief to require the (D.O.C.) to provide me with adequate medical care for my opiate use disorder (O.U.D) and please help me prevent from suffering withdrawals and possible relapse on opiates that could ultimately lead to my death, as it has done to many other inmates/addicts who didn't get the treatment they needed and died by overdosing on opiates after relapsing.

Please require the (D.O.C.) to put me on their medically assisted treatment or (M.A.T.) program before its to late and I end up dead. With this medication I can avoid opiates, without this program I will relapse again and next time I will probably not be so lucky.

Thank you for taking the time to listen to my complaint. Anything you can do for ~~me~~ me would be greatly appreciated.

Sincerely,
Respectfully submitted
[Signature] #W111300
Jarrod A. Michaelis,
pro-se

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Affidavit of Jarrod A. Michael's pertaining
to the civil lawsuit and complaint that I am filing

I Jarrod A. Michael's inmate #W111300 swear
that all documents that I have filled out pertaining
to this matter, and everything I stated in my
complaint to the courts is 100% accurate and
true. I am in the process now of getting multiple
copies of all the paperwork I have filled out
to send out to all the defendants of this
matter. Because of the coronavirus I am at
the mercy of the prison as to when I
can make copies and go to the library,
but they will be copied and sent out as
soon as possible

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MCI Shirley Med.
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Shirley MA 01464-1218